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UNITED STATES COURT OF APPEAL
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,)	Ninth Cir. No. 12-30005
)	[Idaho District No. CR 10-00148
Plaintiff-Appellee,)	BLW]
)	
v.)	UNOPPOSED MOTION FOR
)	EXTENSION OF TIME TO FILE
EDGAR J. STEELE,)	<u>APPELLANT'S REPLY BRIEF</u>
)	
Defendant-Appellant.)	
<hr/>)	

Pursuant to Ninth Cir. Rule 31-2.2, appellant Edgar Steele, through his counsel, hereby moves the Court for a 31-day extension of time, from the present due date of December 14, 2012, to and including January 14, 2013, to file his reply brief in this matter. In support of this motion, Donald M. Horgan declares under penalty of perjury as follows:

1. This office is counsel for defendant-appellant Edgar Steele.

2. This appeal challenges Mr. Steele's convictions in the district court for use of interstate commerce facilities in commission of murder for hire, use of explosive material to commit a felony, and related offenses. He was sentenced to a term of 600 months in federal prison and is presently in custody.

3. On or about April 4, 2012, in lieu of filing an opening brief, Mr. Steele filed a motion for summary reversal of the district court's judgment and sentence.

4. On July 9, 2012, at the conclusion of further briefing, this Court issued an order denying the summary reversal motion because "the issues raised are sufficiently substantial to warrant further consideration by a merits panel. See *United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard)." Ninth Cir. Dkt. No. 13. The Court's July 9th order also established a new briefing schedule on appeal. *Id.*

5. Appellant filed his opening brief on October 30, 2012. Appellee filed its answering brief on November 30, 2012. Accordingly, appellant's reply brief is presently due on December 14, 2012.

6. We have not sought any previous extensions to file the reply brief.

7. This motion is founded on the extraordinary press of business in this office which will prevent our filing the reply by the present due date. Specifically, on or before January 14, 2013, i.e., the requested due date in this matter, we will be

required to file an opening brief in support of an appeal in this Court challenging the district court's order and judgment denying federal habeas relief in connection with our client's state court convictions for second degree murder and related firearm offenses resulting in a sentence of twenty five years to life in state prison, *Figueroa v. Virga*, Ninth Cir. No. 12-16819; a traverse and very extensive supporting memorandum in support of a federal petition for a writ of habeas corpus challenging our client's state court conviction for second degree murder arising out of a fatal dog mauling, *Knoller v. Miller*, Northern Dist. No. C 12-00996 WHA; an opening brief on appeal challenging our client's district court conviction for conspiracy to violate the Sherman Anti-Trust Act, *United States v. AU Optronics, et al.*, Ninth Cir. No. 12-10500; and a petition for review in the California Supreme Court in connection with the state Court of Appeal's denial of an extensive state petition for a writ of habeas corpus challenging our client's conviction for second degree murder and related gang and firearm enhancements resulting in a sentence of 50 years to life in state prison, *In Re Marcos Reis-Campos* (prior First App. Dist. No. A120888).

8. I am informed and believe that our office called Assistant United States Attorney Syrena Hargrove, counsel for Appellee, on December 6, 2012 and that Ms. Hargrove stated she has no objection to this request.

9. We have exercised diligence in this matter and intend to file the reply brief on or before the requested date should this motion be granted.

10. For the foregoing reasons, I respectfully request that the Court grant us a 31-day extension of time, to and including January 14, 2013, to file appellant's reply brief.

Executed this 7th day of December, 2012, at San Francisco, California.

/s/ Donald M. Horgan
DONALD M. HORGAN

CERTIFICATE OF SERVICE
When All Case Participants are Registered for the
Appellate CM/ECF System

I hereby certify that on December 7, 2012 I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Signature: /s/ Jocilene Yue
Jocilene Yue

CERTIFICATE OF SERVICE
When Not All Case Participants are Registered for the
Appellate CM/ECF System

I hereby certify that on _____, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

Signature: _____
Jocilene Yue